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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/689,218 | 10/11/2000 | Thomas E. Giles | 082225.P4249 | 7966 |

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| 8791 7590 01/26/2005 | | EXAMINER |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN | | LIN, KENNY S |
| 12400 WILSHIRE BOULEVARD | | |
| SEVENTH FLOOR | ART UNIT | PAPER NUMBER |
| LOS ANGELES, CA 90025-1030 | 2154 | |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 10 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *see attached sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *none*.

   Claim(s) objected to: *none*.

   Claim(s) rejected: *1-12*.

   Claim(s) withdrawn from consideration: *none*.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). _____.

10. ☒ Other: *see attached sheet*

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

## Advisory action

1.      In the remark, applicant argued that (1) Hipp does not disclose or suggest a server node card with integrated switching and router functions.


Examiner traverse the argument that:

This argument has already been addressed in the Final Office Action.

As to point (1), Hipp taught that each server node can perform server functions with integrated switch and router functions including load balancing and fail-over (col.2, lines 16-22, col.3, lines 63-67, col.4, lines 1-6, col.7, lines 10-22, 51-62, col.8, lines 26-29). The switching and routing functions are inherent and essential functions in Hipp's system in order to carry out the invention. Hipp taught a server card (col.1, lines 25-28) to connect with two separate networks, a public network (col.3, lines 66-67, col.4, lines 1-6, 59-60) and a private network (col.4, lines 11-13, col.5, lines 22-31). In order for the server node to transmit requested data to the desiring network, the server node **must switch** between the public network and the private network and **route** the requested data to the correct destination network or at least route the requested data to the correct switch of the destination network (either switch 42 or 50). Inherently, the sever node card must first determine whether the date needs to be forwarded to an network interface card that couples the server node card and a public network or to a public switch for distributing the data. The determination of the destination of the data inherently determines the method of forwarding including routing or switching. Hipp further suggested using switch chip in the interface card, which provides switching functions (col.12, lines 25-43, 50-59). Hence, switching and routing functions are inherent features necessary and suggested in Hipp's teaching.